UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

JOHN DOE, I, et al.,)	
Plaintiffs,)	
vs.)	Case No. 4:22 CV 919 RWS
BJC HEALTH SYSTEM,)	
Defendant.)	

MEMORANDUM AND ORDER

Defendant having filed its Notice of Appeal (Docket Entry 23) of the Memorandum and Order of Remand before filing its Motion to Stay Remand Order (Docket Entry 24), the Court now lacks jurisdiction to consider the motion. *See Buljic v. Tyson Foods, Inc.*, 2021 WL 7185065, at *2 (N.D. Iowa Jan. 28, 2021) (district court lacked jurisdiction over motion to stay remand order in a federal officer removal where defendants filed their appeal prior to requesting a stay; "whether to grant a stay of remand order that is already on appeal is not a collateral or tangential issue over which the court has jurisdiction.").¹

Accordingly,

¹The Honorable Linda R. Reade's underlying decision to remand the case (and the companion case of *Fernandez, et al., v. Tyson Foods, Inc., et al.*, Case No.20CV2079 LRB) was subsequently affirmed on appeal. *See Buljic v. Tyson Foods, Inc.*, 22 F.4th 730 (8th Cir. 2021).

IT IS HEREBY ORDERED that the motion to stay and reopen case [24] is denied for lack of jurisdiction.

RODNEY W. SIPPEI

UNITED STATES DISTRICT JUDGE

Dated this 27th day of January, 2023.